

BRIAN COKE NG  
40 Ann Street  
New York, N.Y. 10038  
**Mailing Address:**  
Church Street Station  
P.O. Box 2723  
New York, N.Y 10008  
Phone: (646) 820.9238  
Fax: (646) 820.9238  
Email: Brianeng38@gmail.com

FILED  
U.S. BANKRUPTCY COURT  
2018 DEC 20 P 4: 45  
S.D. OF N.Y.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		
In re	:	Chapter 11
	:	
SEARS HOLDINGS CORPORATION, et al.,	:	Case No. 18-23538 (RDD)
	:	
Debtors.:	:	(Jointly Administered)
	:	
	:	JUDGE: Hon. Robert D. Drain
Brian Coke Ng	:	
Plaintiff	:	
v.	:	
Kmart Corporation, et. Al.,	:	Supreme Court of the <i>State of</i>
Defendant(s)	:	New York, New York County
-----X		Index No.: 100386/2018

**NOTICE OF HONORABLE JUDGES ORDERS**

**TO:** UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK  
JUDGE: Hon. Robert D. Drain

The Plaintiff/Movant's Motion for Relief from Stay [**Document number 1006**], a hearing is on scheduled for **January 18, 2019 at 10:00 a.m. [Document number 1163]**. The motion was filed on November 30, 2018, and the notice of hearing was filed on December 11, 2018.

As indicated in the Plaintiff/Movant's Motion for Relief from Stay and shown at exhibit 3 thereof, on September 20, 2018, the Supreme Court of the State of New York, New York County, Honorable Judge David B. Cohen had issued an Order to which directed the parties to appear on Dec 19, 2018, for a conference.

Yesterday, on Dec 19, 2018, Plaintiff/Movant appeared before the Court, so to directly and personally advised the Supreme Court of the defendants/debtors Bankruptcy filings. Attorneys representing the defendants/debtors did not appear in the Court yesterday, instead, the defendants/debtors attorney's office sent an email with accompanying attachments to the Supreme Court and to Honorable Judge David B. Cohen and his chambers, and claiming among other things in reference to "*Notice of Filing of Notice of Removal*". See copy of their email attached hereto.

Yesterday, attorneys representing the defendants/debtors had produced a "*Notice of Filing of Notice of Removal*" **date on October 15, 2018**, essentially in conflict with the date of defendants/debtors Bankruptcy filings and automatic stay. Attorneys representing the defendants/debtors cannot claim that a "*Notice of Filing of Notice of Removal*" **date on October 15, 2018**, was filed with the New York County Clerk, and in violation of the automatic stay. In fact, yesterday the Supreme Court did not buy or accept such a claim. Honorable Judge Cohen thereafter issued his Order. See copy of Order attach hereto.

**Procedure for removal.** Pursuant to 28 U.S.C. § 1446(d), a copy of any such Notice of Removal by defendants/debtors, to be served upon Plaintiff/Movant, and a Notice of Filing Notice of Removal to be filed with Clerk of the Supreme Court for County of New York. Plaintiff/Movant did not received any Notice of Removal and nothing of such in the case file located at Clerk of the Supreme Court for County of New York. Plaintiff/Movant first learned of defendants/debtors bankruptcy and the attempt to remove the civil action when United States District Court Southern District of New York mailed an Order dated **November 6, 2018**, from Magistrate Judge Hon. Barbara Moses. See copy of the Order attach hereto.

Dated: December 20, 2018

Respectfully Submitted,

  
BRIAN COKE NG  
Church Street Station  
P.O. Box 2723  
New York, N.Y 10008  
Phone: (646) 820.9238  
Fax: (646) 820.9238  
Email: Brianeng38@gmail.com

**Subject:** Brian Coke Ng v. KMart Pharmacy et al (Index No 100386/2018)  
**From:** Katherine Chin (kchin@sobelpevzner.com)  
**To:** mabreu@nycourts.gov;  
**Cc:** bpevzner@sobelpevzner.com; bcokebmw@yahoo.co.uk;  
**Date:** Wednesday, 19 December 2018, 7:54

Good morning Maria,

Thank you for speaking with me about the above-referenced matter.

As discussed, please note the attached Notice of Filing of Notice of Removal that was previously filed with the New York County Clerk. Since this matter was removed to the Southern District of New York on October 12, 2018, it should not be on the calendar for today.

If anything further is needed or there are any concerns, please do not hesitate to contact our office.

Thank you,

Katherine

**Katherine E. Chin**

Paralegal

SOBEL PEVZNER, LLC

Attorneys at Law

30 Vesey Street, 8<sup>th</sup> Floor

New York, New York 10007

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
BRIAN COKE NG

,Plaintiff,

- against -

**Index No: 100386/2018**

KMART PHARMACY  
KMART HOLDING CORPORATION  
SEARS HOLDING CORPORATION  
SEDGWICK CLAIMS MANAGEMENT SERVICES, INC.,

**NOTICE OF FILING OF  
NOTICE OF REMOVAL**

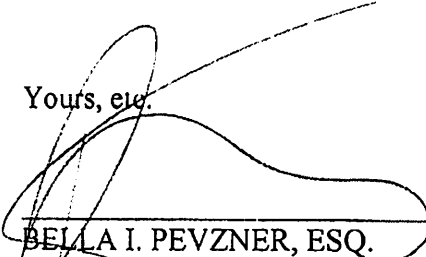
Defendants.  
-----X

**PLEASE TAKE NOTICE** that on October 12, 2018, the annexed Notice of Removal was filed with the Clerk of the United States District Court for the Southern District of New York, removing the captioned civil action to the United States District Court for the Southern District of New York and that no further proceedings shall be taken in this Court in this action unless remanded.

Dated: New York, New York  
October 15, 2018

Yours, etc.

BY:

  
BELLA I. PEVZNER, ESQ.  
SOBEL PEVZNER, LLC

Attorneys for Defendants

KMART PHARMACY  
KMART HOLDING CORPORATION  
SEARS HOLDING CORPORATION  
SEDGWICK CLAIMS MANAGEMENT  
SERVICES, INC.,  
30 Vesey Street, 8th Floor  
New York, New York 10007

TO: Clerk of the Court  
Supreme Court of New York  
County of New York  
80 Centre Street  
New York, NY 10013

BRIAN COKE NG  
40 Ann Street  
New York, NY 10038

BRIAN COKE NG  
Church Street Station  
P.O. Box 2723  
New York, NY 10008

SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF NEW YORK

BRIAN COKE

N 6

- against -

Plaintiff(s)

INDEX NO. 100386/18

IAS PART

58

KMANT PHARMACY  
KMANT HOLDING CORP.

Defendant(s)

STIPULATION ORDER

IT IS HEREBY STIPULATED AND AGREED by and between or among the attorneys  
named below as follows:

ORDERED ALL PARTIES TO APPEAR  
FOR A STATUS CONFERENCE ON

3/13/19 @ 9:30AM

Attorney for Plaintiff(s)

Attorney for Defendant

Attorney for Defendant

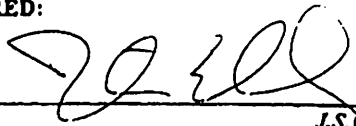
Attorney for Defendant

Dated:

12/18/18

SO ORDERED:

ENTER:



J.S.C.

11/11

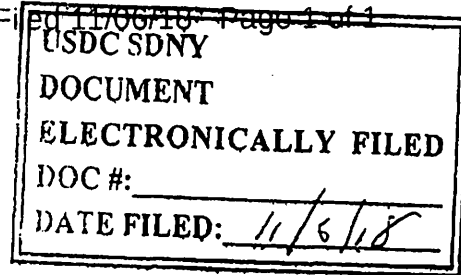
HON. DAVID B. COHEN  
J.S.C.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BRIAN COKE NG,  
Plaintiff,

-against-

KMART PHARMACY et al,  
Defendants.



18-CV-9373 (AJN) (BCM)  
ORDER

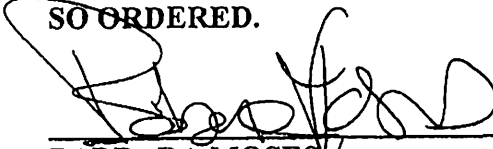
**BARBARA MOSES, United States Magistrate Judge.**

The Court has received and reviewed the Notice of Bankruptcy Filing and Imposition of Automatic Stay dated November 6, 2018 (Dkt. No. 5), indicating that this action has been automatically stayed as against defendants Kmart Pharmacy, Kmart Holding Corporation, and Sears Holding Corporation pursuant to § 362(a) of the Bankruptcy Code, 11 U.S.C. § 362(a).

Defendants are hereby ORDERED to notify the Court within 30 days of any action or order of the Bankruptcy Court that would affect the automatic stay.

The Clerk of Court is respectfully directed to mail a copy of this order to the plaintiff.

Dated: New York, New York  
November 6, 2018

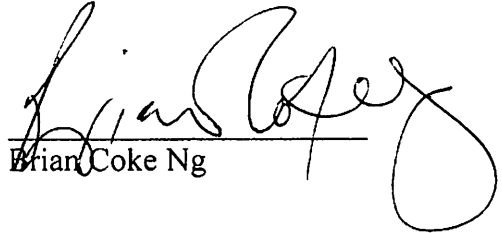
**SO ORDERED.**  
  
BARBARA MOSES  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on December 20, 2018 a true and correct copy of the foregoing documents has been served upon the following parties listed on the annexed **Exhibit A** via email, and on the parties listed on the annexed **Exhibit B** in the manner indicated thereon.

New York, New York

Dated: December 20, 2018

  
\_\_\_\_\_  
Brian Coke Ng



**EXHIBIT A**

NAME	NOTICE NAME	EMAIL
Alston & Bird LLP	Attn: James J. Vincequerra	James.Vincequerra@alston.com
Alston & Bird LLP	Attn: Leib M. Lerner	leib.lerner@alston.com
Ansell Grimm & Aaron, P.C.	Attn: Anthony J. D'Artiglio, Esq.	ajd@ansellgrimm.com
ASK LLP	Attn: Edward E. Neiger, Jennifer A. Christian	eneiger@askllp.com jchristian@askllp.com
Ballard Spahr LLP	Attn: Dustin P. Branch	branchd@ballardspahr.com
Ballard Spahr LLP	Attn: Paul E. Harner, Alyssa E. Kutner	harnerp@ballardspahr.com kutnera@ballardspahr.com
Ballard Spahr LLP	Attn: Leslie C. Heilman, Matthew G. Summers	heilmanl@ballardspahr.com summersm@ballardspahr.com
Ballard Spahr LLP	Attn: David L. Pollack	pollack@ballardspahr.com
Barclay Damon LLP	Attn: Kevin M. Newman	knewman@barclaydamon.com
Bayard, P.A.	Attn: Evan T. Miller	emiller@bayardlaw.com
Bell Nunnally & Martin LLP	Attn: Russell W. Mills, R. Kent Love	rmills@bellnunnally.com klove@bellnunnally.com
Bialson, Bergen & Schwab	Attn: Lawrence M. Schwab, Thomas M. Gaa	Tgaa@bbslaw.com
Blank Rome LLP	Attn: Jeffrey Rhodes	JRhodes@BlankRome.com
Blank Rome LLP	Attn: Stanley B. Tarr, Evan J. Zucker	Tarr@BlankRome.com EZucker@BlankRome.com
Borges & Associates, LLC	Attn: Wanda Borges, Esq., Sue L. Chin, Esq.	bankruptcy@borgeslawllc.com wborges@borgeslawllc.com schin@borgeslawllc.com
Brach Eichler LLC	Attn: Anthony M. Rainone	arainone@bracheichler.com
Buchalter, A Professional Corporation	Attn: Shawn M. Christianson	schristianson@buchalter.com

NAME	NOTICE NAME	EMAIL
Cafaro Management Company	Attn: Richard T. Davis	rdavis@cafarocompany.com
Cahill Gordon & Reindel LLP	Attn: Joel H. Levitin, Richard A. Stieglitz Jr.	jlevitin@cahill.com rstieglitz@cahill.com
Carter Conboy Case Blackmore Maloney & Laird, P.C.	Attn: Michael J. Catalfimo, Esq., John R. Canney, IV, Esq.	mcatalfimo@carterconboy.com
Carter Ledyard & Milburn LLP	Attn: James Gadsden, Esq.	gadsden@clm.com bankruptcy@clm.com Dennis.roemlein@bnymellon.com
Certilman Balin Adler & Hyman, LLP	Attn: Richard J. McCord, Esq., Robert D. Nosek, Esq.	rmccord@certilmanbalin.com rnosek@certilmanbalin.com
Chapman and Cutler LLP	Attn: Laura E. Appleby, Steven Wilamowsky	appleby@chapman.com wilamowsky@chapman.com
Chiesa Shahinian & Giantomasi PC	Attn: Beth J. Rotenberg, Scott A. Zuber	brotenberg@csglaw.com szuber@csglaw.com
Choate, Hall & Stewart LLP	Attn: Kevin J. Simard, Jonathan D. Marshall	ksimard@choate.com jmarshall@choate.com
Choi & Park, LLC	Attn: Hyun Suk Choi, Chull S. Park	hchoi@choiandpark.com cpark@choiandpark.com lkleist@choiandpark.com
Chuhak & Tecson, P.C.	Attn: Miriam R. Stein	mstein@chuhak.com
CKR Law LLP	Attn: Edward L. Schnitzer	eschnitzer@ckrlaw.com
Clark Hill Strasburger	Attn: Duane J. Brescia	duane.brescia@clarkhillstrasburger.com
Clark Hill, PLC	Attn: David M. Blau	dblau@clarkhill.com
Cleary, Gottlieb, Steen & Hamilton LLP	Attn: Sean A. O'Neal, James L. Bromley, Andrew Weaver	soneal@cgsh.com jbromley@cgsh.com aweaver@cgsh.com
Computershare Trust Company, N.A.	Attn: Michael A. Smith, Vice President – Corporate Trust	Michael.smith2@computershare.com

NAME	NOTICE NAME	EMAIL
Connolly Gallagher LLP	Attn: Karen C. Bifferato, Kelly M. Conlan, N. Christopher Griffiths	kbifferato@connollygallagher.com kconlan@connollygallagher.com cgriffiths@connollygallagher.com
Cozen O'Connor	Attn: Marl E. Felger	mfelger@cozen.com
Cravath, Swaine & Moore LLP	Attn: Paul H. Zumbro	pzumbro@cravath.com
Davidoff Hutcher & Citron LLP	Attn: David H. Wander, Esq.	dhw@dhclegal.com
Davis Polk & Wardwell LLP	Attn: Marshall S. Huebner, Esq, Eli J. Vonnegut, Esq.	marshall.huebner@davispolk.com eli.vonnegut@davispolk.com sears.service@davispolk.com
Debevoise & Plimpton LLP	Attn: Erica S. Weisgerber, My Chi To	mcto@debevoise.com eweisgerber@debevoise.com
Environmental Protection Agency	Attn: Matthew Leopold, General Counsel	Leopold.matt@Epa.gov
Epicor Software Corporation	Attn: Larry Bercovich	lbercovich@epicor.com
Felderstein Fitzgerald Willoughby & Pascuzzi LLP	Attn: Paul J. Pascuzzi	ppascuzzi@ffwplaw.com
FisherBroyles, LLP	Attn: Mark E. Wilson	mark.wilson@fisherbroyles.com
FisherBroyles, LLP	Attn: Patricia B. Fugée	patricia.fugee@fisherbroyles.com
Foley & Lardner LLP	Attn: Derek L. Wright	dlwright@foley.com
Foley & Lardner LLP	Attn: Michael Small	msmall@foley.com
Fox Rothschild LLP	Attn: Paul J. Labov	plabov@foxrothschild.com
Fox Rothschild LLP	Attn: Thomas M. Horan	thoran@foxrothschild.com
Fox Rothschild, LLP	Attn: Mark E. Hall, Michael R. Herz	mhall@foxrothschild.com mherz@foxrothschild.com
Fried, Frank, Harris, Shriver & Jacobson LLP	Attn: Brad Eric Scheler, Scott B. Luftglass, Peter B. Siroka	brad.eric.scheler@friedfrank.com scott.luftglass@friedfrank.com peter.siroka@friedfrank.com
Frost Brown Todd LLC	Attn: Ronald E. Gold & AJ Webb	rgold@fbtlaw.com aweibb@fbtlaw.com

NAME	NOTICE NAME	EMAIL
Frost Brown Todd LLC	Attn: Edward M. King	tking@fbtlaw.com
Fultz Maddox Dickens PLC	Attn: Phillip A. Martin, Laura M. Brymer	pmartin@fmdlegal.com lbrymer@fmdlegal.com
Gellert Scali Busenkell & Brown LLC	Attn: Gary F. Seitz	gseitz@gsbblaw.com
Gibbons P.C.	Attn: Brett S. Theisen, Natasha M. Songonuga	btheisen@gibbonslaw.com nsongonuga@gibbonslaw.com
Gibbons P.C.	Attn: Howard A. Cohen	hcohen@gibbonslaw.com
Godfrey & Kahn, S.C.	Attn: Timothy F. Nixon	tnixon@gklaw.com
Golenbock Eiseman Assor Bell & Peskoe LLP	Attn: Jonathan L. Flaxer, Esq., Michael S. Weinstein, Esq.	jflaxer@golenbock.com mweinstein@golenbock.com
Goodwin Procter LLP	Attn: Barry Z. Bazian	gfox@goodwinlaw.com bbazian@goodwinlaw.com
Goulston & Storrs PC	Attn: Douglas B. Rosner	drosner@goulstonstorrs.com
Goulston & Storrs PC	Attn: Trevor R. Hoffmann	thoffmann@goulstonstorrs.com
Greer, Herz & Adams, LLP	Attn: Frederick Black, Tara B. Annweiler, Marc D. Young	tannweiler@greerherz.com
Hahn & Hessen LLP	Attn: Janine M. Figueiredo, Esq.	jfigueiredo@hahn Hessen.com
Halperin Battaglia Benzija, LLP	Attn: Donna H. Lieberman, Esq.	dlieberman@halperinlaw.net
Hanesbrands Inc	Attn: Joia Johnson, Chief Administrative Officer and General Counsel	joia.johnson@hanes.com howard.upchurch@hanes.com
Harris Beach PLLC	Attn: Kevin Tompsett, Esq.	ktompsett@harrisbeach.com
Herrick, Feinstein LLP	Attn: Stephen B. Selbst	sselbst@herrick.com
Higgs Fletcher & Mack LLP	Attn: Martin A. Eliopoulos, Esq.	elio@higgslaw.com
Holland & Knight LLP	Attn: Barbra R. Parlin	barbra.parlin@hklaw.com
Hunton Andrews Kurth LLP	Attn: Brett L. Gross	bgross@HuntonAK.com

NAME	NOTICE NAME	EMAIL
Husch Blackwell LLP	Attn: Lynn H. Butler	lynn.butler@huschblackwell.com
Internal Revenue Service	Attn: Centralized Insolvency Operation	Mimi.M.Wong@irsounsel.treas.gov
Internal Revenue Service	Attn: Centralized Insolvency Operation	Mimi.M.Wong@irsounsel.treas.gov
Judith Elkin PLLC	Attn: Judith Elkin	elkinj@mac.com
Kelley Drye & Warren LLP	Attn: Eric R. Wilson, Esq., Benjamin D. Feder, Esq., T. Charlie Liu, Esq.	KDWBankruptcyDepartment@KelleyDrye.com bfeder@kelleydrye.com cliu@kelleydrye.com
Klestadt Winters Jureller Southard & Stevens, LLP	Attn: Sean C. Southard, Lauren C. Kiss	ssouthard@klestadt.com lkiss@klestadt.com
Kurtzman   Steady, LLC	Attn: Jeffrey Kurtzman	kurtzman@kurtzmansteady.com
Langley & Banack, Incorporated	Attn: David S. Gragg	dgragg@langleybanack.com
Lasser Hochman, L.L.C.	Attn: Richard L. Zucker	rzucker@lasserhochman.com
Latham & Watkins LLP	Attn: Marc A. Zelina	marc.zelina@lw.com
Latham & Watkins LLP	Attn: Peter M. Gilhuly, Ted A. Dillman	peter.gilhuly@lw.com ted.dillman@lw.com
Law Office of Gilbert A. Lazarus, PLLC.	Attn: Gilbert A. Lazarus	gillazarus@gmail.com
Law Office of Kevin S. Neiman, PC	Attn: Kevin S. Neiman	kevin@ksnpc.com
Lazarus & Lazarus, P.C.	Attn: Harlan M. Lazarus	hlazarus@lazarusandlazarus.com harlan.lazarus@gmail.com
LeCrairRyan, PLLC	Attn: Ilan Markus and Niclas A. Ferland	ilan.markus@leclairryan.com niclas.ferland@leclairryan.com
Linebarger Goggan Blair & Sampson, LLP	Attn: Elizabeth Weller	dallas.bankruptcy@publicans.com
Linebarger Goggan Blair & Sampson, LLP	Attn: John P. Dillman	houston_bankruptcy@publicans.com



NAME	NOTICE NAME	EMAIL
Linebarger Goggan Blair & Sampson, LLP	Attn: David G. Aelvoet	sanantonio.bankruptcy@publicans.com
Linowes and Blocher LLP	Attn: John T. Farnum, Esq.	jfarnum@linowes-law.com
Locke Lord LLP	Attn: Brian A. Raynor, Aaron C. Smith, David W. Wirt	braynor@lockelord.com asmith@lockelord.com dwirt@lockelord.com
Lowenstein Sandler LLP	Attn: Bruce Buechler	bbuechler@lowenstein.com
McCreary, Veselka, Bragg & Allen, P.C.	Attn: Lee Gordon, Tara LeDay	tleday@mvalaw.com
McGlinchey Stafford, PLLC	Attn: Brian S. McGrath, Kristen D. Romano	bmcgrath@mcglinchey.com kromano@mcglinchey.com
McGlinchey Stafford, PLLC	Attn: Mark J. Chaney, Esq., Richard A. Aguilar, Esq., Rudy J. Cerone, Esq.	mchaney@mcglinchey.com raguilar@mcglinchey.com rcerone@mcglinchey.com
Missouri Department of Revenue, Bankruptcy Unit	Attn: Steven A. Ginther, Special Assistant Attorney General	sdnyecf@dor.mo.gov
Morgan, Lewis & Bockius LLP	Attn: Laura McCarthy	laura.mccarthy@morganlewis.com
Morgan, Lewis & Bockius LLP	Attn: Neil E. Herman	neil.herman@morganlewis.com
Morris James LLP	Attn: Stephen M. Miller	smiller@morrisjames.com
Morris, Nichols, Arsht & Tunnell LLP	Attn: Curtis S. Miller, Joseph C. Barsalona II	cmiller@mnat.com jbarsalona@mnat.com
Morrison Cohen LLP	Attn: Joseph T. Moldovan, Robert K. Dakis	bankruptcy@morrisoncohen.com
Munsch Hardt Kopf & Harr, P.C.	Attn: Deborah M. Perry	dperry@munsch.com
National Association of Attorneys General	Attn: Karen Cordry	kcordry@naag.org
Nelson Mullins Riley & Scarborough LLP	Attn: Jody A. Bedenbaugh	jody.bedenbaugh@nelsonmullins.com
Nelson Mullins Riley & Scarborough LLP	Attn: Shane G. Ramsey	shane.ramsey@nelsonmullins.com

NAME	NOTICE NAME	EMAIL
Norton Rose Fulbright US LLP	Attn: Howard Seife, Esq., & Christy Rivera, Esq.	howard.seife@nortonrosefulbright.com christy.rivera@nortonrosefulbright.com
Office of the Texas Attorney General	Attn: Rachel R. Obaldo, Assistant Attorney General	rachel.obaldo@oag.texas.gov
Office of The United States Trustee for Region 2	Attn: Paul Schwartzberg, Richard Morrissey	richard.morrissey@usdoj.gov paul.schwartzberg@usdoj.gov
O'Keefe & Associates Law Corporation, P.C.	Attn: Sean A. O'Keefe	sokeefe@okeefelc.com
Paco (China) Garment Ltd	Attn: Lily Wang	lily@pacogarment.com
Parker Poe Adams & Bernstein LLP	Attn: Kiah T. Ford IV	chipford@parkerpoe.com
Paul Hastings LLP	Attn: Leslie A. Plaskon, Esq., Andrew V. Tenzer, Esq., Shlomo Maza, Esq.	leslieplaskon@paulhastings.com andrewtenzer@paulhastings.com shlomomaza@paulhastings.com
Perdue, Brandon, Fielder, Collins & Mott, L.L.P.	Attn: Ebony Cobb	ecobb@pbfc.com
Perdue, Brandon, Fielder, Collins & Mott, L.L.P.	Attn: Laura J. Monroe	lmbkr@pbfc.com
Perdue, Brandon, Fielder, Collins & Mott, L.L.P.	Attn: Owen M. Sonik	osonik@pbfc.com
Pick & Zabicki LLP	Attn: Douglas J. Pick	dpick@picklaw.net
Pierce McCoy, PLLC	Attn: Jonathan A. Grasso	jon@piercemccoy.com
Price Meese Shulman & D'Arminio, P.C.	Attn: Rick A. Steinberg	rsteinberg@pricemeese.com
Prime Clerk LLC	Attn: Herb Baer, Richard M. Allen	searsteam@primeclerk.com serviceqa@primeclerk.com
Procopio, Cory, Hargreaves & Savitch LLP	Attn: Gerald P. Kennedy	gerald.kennedy@procopio.com
Pryor & Mandelup, L.L.P.	Attn: Robert L. Pryor	rlp@pryormandelup.com
Reid and Riege, P.C.	Attn: Charles J. Filardi, Jr.	cfilardi@rrlawpc.com

NAME	NOTICE NAME	EMAIL
Reiss+Preuss LLP	Attn: Guy A. Reiss, Erik Tikkanen	greiss@reisspreuss.com etikkanen@reisspreuss.com
Robert E. Michael & Associates PLLC	Attn: Robert E. Michael, Aaron Hume	Robert.e.michael.esq@gmail.com Aron.hume@gmail.com
Robinson Brog Leinwand Greene Genovese & Gluck P.C.	Attn: Fred B. Ringel, Esq.	fbr@robinsonbrog.com
Ropes & Gray LLP	Attn: Gregg M. Galardi, Kimberly J. Kodis, Sam N. Ashuraey	gregg.galardi@ropesgray.com kimberly.kodis@ropesgray.com sam.ashuraey@ropesgray.com
Ropes & Gray LLP	Attn: James M. Wilton, Patricia I. Chen	james.wilton@ropesgray.com patricia.chen@ropesgray.com
Rosen & Associates, P.C.	Attn: Sanford P. Rosen, Esq.	srosen@rosenpc.com
S&D Law	Attn: Steven W. Kelly	skelly@s-d.com
Sahn Ward Coschignano, PLLC	Attn: Robert A. Abiuso, Matthew C. McCann	mmccann@swc-law.com rabiuso@swc-law.com
Sakar	Attn: Jay Weinblatt	jweinblatt@sakar.com
Satterlee Stephens LLP	Attn: Christopher R. Belmonte, Abigail Snow, Pamela Bosswick	cbelmonte@ssbb.com asnow@ssbb.com pbosswick@ssbb.com
Saul Ewing Arnstein & Lehr LLP	Attn: Dipesh Patel	dipesh.patel@saul.com
Saul Ewing Arnstein & Lehr LLP	Attn: Phillip M. Hudson III, Carmen Contreras-Martinez	phil.hudson@saul.com carmen.contreras-martinez@saul.com
Securities & Exchange Commission	Attn: Secretary of the Treasury	secbankruptcy@sec.gov NYROBankruptcy@sec.gov
Securities & Exchange Commission – NY Office	Attn: Bankruptcy Department	bankruptcynoticeschr@sec.gov
Seyfarth Shaw LLP	Attn: Edward M. Fox	emfox@seyfarth.com
Shearman & Sterling LLP	Attn: Fredric Sosnick, Sara Coelho	fsosnick@shearman.com sara.coelho@shearman.com



NAME	NOTICE NAME	EMAIL
Sheppard Mullin Richter & Hampton, LLP	Attn: Alan M. Feld, Esq., Ted Cohen, Esq.	afeld@sheppardmullin.com tcohen@sheppardmullin.com
Shutts & Bowen LLP	Attn: Ryan C. Reinert, Esq.	rreinert@shutts.com
Simon Property Group, L.P.	Attn: Ronald M. Tucker, Esq.	rtucker@simon.com
Singer & Levick, P.C.	Attn: Michelle E. Shriro	mshriro@singerlevick.com
Skadden, Arps, Slate, Meagher & Flom LLP	Attn: Paul Leake, Esq., Shana Elberg, Esq., and George R. Howard, Esq.	paul.leake@skadden.com shana.elberg@skadden.com george.howard@skadden.com
Skadden, Arps, Slate, Meagher & Flom LLP	Attn: Paul Leake, Esq., Shana Elberg, Esq., and George R. Howard, Esq.	Paul.Leake@skadden.com Shana.Elberg@skadden.com George.Howard@skadden.com
Skierski Jain PLLC	Attn: Doug Skierski, Kristin H. Jain	enotices@skijain.com
Smiley Wang-Ekval, LLP	Attn: Lei Wang Ekval, Philip E. Strok	pstrok@swelawfirm.com
Sorenson Van Leuven, PLLC	Attn: James E. Sorenson	bk@svllaw.com
SRAC Medium Term Notes	Attn: Mary A. Callahan Vice President	mary.callahan@bnymellon.com
SRAC Unsecured Notes	Attn: Mary A. Callahan Vice President	mary.callahan@bnymellon.com
Stark & Stark, P.C.	Attn: Thomas S. Onder, Joseph H. Lemkin	tonder@stark-stark.com jlemkin@stark-stark.com
Stevens & Lee, P.C.	Attn: Constantine D. Pourakis	cp@stevenslee.com
Streusand, Landon, Ozburn & Lemon, LLP	Attn: Sabrina L. Streusand	streusand@slollp.com
Sullivan & Cromwell LLP	Attn: Andrew G. Dietderich, Brian D. Glueckstein, David R. Zylberberg	dietdericha@sullcrom.com zylberbergd@sullcrom.com
Tannenbaum Helpern Syracuse & Hirschtritt LLP	Attn: Michael J. Riela	Riela@thsh.com

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NAME	NOTICE NAME	EMAIL
Taubman Landlords	Attn: Andrew S. Conway	aconway@taubman.com
The Pension Benefit Guaranty Corporation (PBGC)	Attn: Judith Starr, Kartar S. Khalsa, William McCarron, Jr., & Adi Berger, Director	Starr.Judith@pbgc.gov mccarron.william@pbgc.gov efile@pbgc.gov
Thompson Hine LLP	Attn: Curtis L. Tuggle	Curtis.Tuggle@ThompsonHine.com
TJ Tianxing Kesheng Leather Products Co Ltd	Attn: Power Wang	powerwangtxks@vip.126.com
TN Dept of Revenue	Attn: Herbert H. Slatery III, Marvin E. Clements, Jr.	AGBankNewYork@ag.tn.gov
U.S. Bank National Association	Attn: Jose A Galarza, Vice President, Global Structured Finance	jose.galarza@usbank.com
US Attorney for Southern District of New York	Attn: Bankruptcy Division	David.Jones6@usdoj.gov Jeffrey.Oestericher@usdoj.gov Joseph.Cordaro@usdoj.gov Carina.Schoenberger@usdoj.gov Lawrence.Fogelman@usdoj.gov Peter.Aronoff@usdoj.gov Linda.Riffkin@usdoj.gov
Vedder Price P.C.	Attn: Kevin J. Etzel	ketzel@vedderprice.com
Vedder Price P.C.	Attn: Michael L. Schein	mschein@vedderprice.com
Waldrep LLP	Attn: Thomas W. Waldrep, Jr.	notice@waldrepllp.com
Warner Norcross + Judd LLP	Attn: Gordon J. Toering	gtoering@wnj.com
Weil, Gotshal & Manges LLP	Attn: Ray C. Schrock, P.C., Jacqueline Marcus, Garrett A. Fail, Sunny Singh	ray.schrock@weil.com garrett.fail@weil.com jacqueline.marcus@weil.com sunny.singh@weil.com JeriLeigh.Miller@weil.com jessica.liou@weil.com Paloma.VanGroll@weil.com
Weiss Zarett Brofman Sonnenklar & Levy, P.C.	Attn: Michael D. Brofman, Esq.	mbrofman@weisszarett.com
Whiteford, Taylor & Preston LLC	Attn: Stephen B. Gerald	sgerald@wtplaw.com

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NAME	NOTICE NAME	EMAIL
Williams Legal Advisory Group, LLC	Attn: Amy M. Williams	awilliams@williamsadvisors.com
Willkie Farr & Gallagher LLP	Attn: Alan J. Lipkin, Gabriel Brunswick	alipkin@willkie.com gbrunswick@willkie.com
Wilmington Trust, National Association	Attn: Steven Cimalore, Vice President	scimalore@wilmingtontrust.com
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP	Attn: Simon Aron	saron@wrslawyers.com
Wyatt, Tarrant & Combs, LLP	Attn: Mary L. Fullington	mfullington@wyattfirm.com

**EXHIBIT B**

Counsel to Kmart Holding Corporation  
Sears Holdings Corporation (Debtors)  
Weil Gotshall & Manges, LLP  
767 5th Avenue  
New York, N.Y. 10153  
Attn: Jacqueline Marcus  
Ray C Schrock

**Via USPS First class Mail/certificate of mailing**

Counsel to Kmart Holding Corporation  
Sears Holdings Corporation (State Supreme court claims)  
SOBEL PEVZNER, LLC  
30 Vesey Street, 8th Floor  
New York, N.Y. 10007  
Attn: Bella Pevzner  
Harshal Jani

**Via USPS First class Mail/certificate of mailing**

United States Bankruptcy Court for the Southern  
District of New York  
Chambers of Honorable Robert D. Drain  
300 Quarropas Street, Room 248  
White Plains, NY 10601  
Att: Arthur

**Via Priority Mail**